

APPEAL NO. 040324  
FILED MARCH 19, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 20, 2004. The hearing officer resolved the disputed issues by deciding that the compensable injury of \_\_\_\_\_, does not extend to and include aggravation of osteoarthritis, and that because the appellant (claimant) did not have aggravation of her osteoarthritis by the compensable injury, she did not have additional disability due to her compensable injury on and after September 18, 2003. The claimant appealed, disputing both the extent-of-injury and disability determinations. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. At issue was whether the compensable injury of \_\_\_\_\_, extended to and included an aggravation of osteoarthritis and whether the claimant had disability from September 18, 2003, to the present. The claimant had the burden of proof on those issues and they presented questions of fact for the hearing officer. There was conflicting evidence presented on the disputed issues, including conflicting medical evidence. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). As such, the hearing officer was required to resolve the conflicts and inconsistencies in the evidence and to determine what facts the evidence established. While the claimant asserts that the hearing officer ignored the evidence, it is abundantly clear from the hearing officer's decision that he considered the medical evidence, as well as the claimant's testimony, in resolving the disputed issue. Based on the evidence presented at the CCH, the hearing officer was not persuaded that the claimant was able to prove by a preponderance of the credible evidence that her compensable injury aggravated her osteoarthritis or that she had disability for the time period claimed. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**JR  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge